

441—31.10 (229A) Cost of care. The facility shall seek to recover the full cost or a portion of the cost of care from the individual or another responsible person. The cost of the individual's care shall be determined for each fiscal year included in the length of stay using the average per diem cost multiplied by the total number of days of care.

31.10(1) *Social security benefits.* The facility shall seek recovery from the individual when the individual receives a benefit pursuant to the Social Security Act. In such case, the individual shall be allowed to retain for personal use an amount equal to the personal allowance amount established by the Social Security Administration.

31.10(2) *Other income.* The facility shall seek recovery from the individual when the individual has other income; a trust fund; individually owned real estate, stocks, bonds, savings account, checking account, or certificate of deposit; an individual retirement account; or proceeds from the disposal of real estate or other property.

31.10(3) *Other person legally liable.* The facility shall seek recovery from a person who is legally liable for the support of the individual up to the amount of the person's legal liability. The facility shall seek recovery from a person who is bound by contract to support the individual up to the amount of the contract. A person legally liable to support the individual shall not include a political subdivision.

This rule is intended to implement Iowa Code section 229A.12.

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